

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : No. 1:24-bk-01219-HWV
SCHOFFSTALL FARM, LLC :
d/b/a Spring Gate Winery : Chapter 11
a/k/a Spring Gate Brewery : Subchapter V
: :
Debtor : :

**APPLICATION TO APPROVE EMPLOYMENT OF COUNSEL TO
SCHOFFSTALL FARM, LLC**

The Application of Schoffstall Farm, LLC, d/b/a Spring Gate Winery, a/k/a Spring Gate Brewery (“Debtor”), to Approve Employment of Cunningham, Chernicoff & Warshawsky, P.C., as counsel, is as follows:

1. On May 14, 2024, Debtor filed a Petition under Chapter 11 of the Bankruptcy Code.
2. The Debtor is in possession of its property and as Debtor-in-Possession is now operating its business and managing its property.
3. Debtor, as Debtor-in-Possession, finds it necessary to employ attorneys and wishes to employ Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, Pennsylvania, attorneys-at-law, as counsel, to represent it with respect to its Chapter 11 case and related matters.
4. The Debtor has selected Cunningham, Chernicoff & Warshawsky, P.C. for the reason that such law firm has experience in matters of this character, including generally, experience in bankruptcy proceedings in the within Court, and Debtor believes that Cunningham, Chernicoff & Warshawsky, P.C. is well qualified to represent it as Debtor-in-Possession in this proceeding.

5. The professional services to be rendered by Cunningham, Chericoff & Warshawsky, P.C. include, but are not limited to:

- a. to give the Debtor legal advice regarding its powers and duties as Debtor-in-Possession in the continued operation of its business and management of its property;
- b. to prepare and file on behalf of the Debtor, as Debtor-in-Possession, the original Petition and Schedules, and all necessary applications, complaints, answers, orders, reports and other legal papers; and
- c. to perform all other legal services for the Debtor, as Debtor-in-Possession, which may be necessary.

6. Cunningham, Chericoff & Warshawsky, P.C. has no connection with the Debtor or the Debtor's creditors. Cunningham, Chericoff & Warshawsky, P.C. has been working with this Debtor since March 1, 2024, with respect to the Debtor's financial problems. Prior to the Petition, Cunningham, Chericoff & Warshawsky, P.C. also prepared the various filings for the bankruptcy case. Cunningham, Chericoff & Warshawsky, P.C. is fully paid for such services. In the ninety (90) day period prior to the filing of this Petition, the Debtor paid the sum of \$6,936.00, plus the Chapter 11 filing fee of \$1,738.00, which sum was paid in the two-week period immediately prior to the filing of the Petition. All payments were made on account of current services performed for the Debtor in the two weeks prior to the filing of the Petition. All payments received by Cunningham, Chericoff & Warshawsky, P.C. were paid within normal terms.

7. Because of the extensive legal services required, the Debtor desires to employ Cunningham, Chericoff & Warshawsky, P.C. on a general pre-Petition retainer. A retainer in the amount of \$11,326.00 is being paid. Any retainer is for opening the file and for engaging Cunningham, Chericoff & Warshawsky, P.C. The Debtor will be billed by Cunningham, Chericoff & Warshawsky, P.C., with such bills to be paid based upon further Orders of the

Court. All charges will be billed at the firm's standard hourly billing rates otherwise in effect for comparable work performed by the law firm, such rates currently being:

Robert E. Chernicoff	\$450.00
Partners	\$400.00 to \$450.00
Associate Attorneys	\$225.00 to \$350.00
Paralegals	\$100.00 to \$150.00

Any fees and expenses and payments to Cunningham, Chernicoff & Warshawsky, P.C. shall be subject to the review of the Court, and the provisions of 11 U.S.C. §330 and Rule 2016 of the Rules of Bankruptcy procedure.

8. For the reasons set forth above, the employment of Cunningham, Chernicoff & Warshawsky, P.C. would be in the best interests of this estate.

WHEREFORE, the Debtor prays that its employment of Cunningham, Chernicoff & Warshawsky, P.C. under a general retainer to represent it as Debtor-in-Possession in this proceeding under Chapter 11 of the Bankruptcy Code be approved by the Court, and that it have such other and further relief as is just and proper.

Respectfully submitted:

CUNNINGHAM, CHERNICOFF
& WARSHAWSKY, P.C.

By: /s/ Robert E. Chernicoff
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